

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**CLAY DAVIS, Plaintiff**

**VS.**

**INTERNATIONAL PAPER COMPANY  
AND MANCEL SPRAYBERRY,  
Defendants**

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**CIVIL ACTION NO. \_\_\_\_\_  
JURY DEMAND**

**PLAINTIFF'S ORIGINAL COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Clay Davis, Plaintiff, and files this his Original Complaint against Defendants, International Paper Company and Mancel Sprayberry, and for such cause of action would respectfully show the Court as follows:

**PARTIES**

**I.**

Plaintiff, Clay Davis, resides in Doddridge, Arkansas and is a citizen of the State of Arkansas.

**II.**

Defendant, International Paper Company, is a corporation doing business in the State of Texas. Defendant, International Paper Company, is a New York corporation with its principal place of business in the State of Connecticut. Defendant, International Paper Company, may be

served herein by service upon its registered agent, C. T. Corporation Systems, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

III.

Defendant, Mancel Sprayberry, is an individual residing in Atlanta, Texas. Defendant Sprayberry is a citizen of the State of Texas. Defendant Sprayberry may be served herein by service upon him at his residence of 612 Hummingbird Trail, Atlanta, Texas 75551.

**JURISDICTION**

IV.

Jurisdiction is conferred upon this Court by 28 U.S.C. §1332 relating to diversity jurisdiction. This is an action between a citizen of the State of Arkansas, Plaintiff Davis, and Defendant Sprayberry, a citizen of the State of Texas and Defendant, International Paper, incorporated in the State of New York with its principal place of business in the State of Connecticut. There is complete diversity of citizenship. The amount in controversy exceeds \$75,000.00.

**VENUE**

V.

Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. §1391(b)(1) and (2). A substantial part of the events or omissions giving rise to the claims which are the subject of this suit occurred in the Eastern District of Texas, Marshall Division. This cause arises out of a motor vehicle collision which occurred in Cass County, Texas. Defendant Sprayberry resides in Cass County, Texas. Accordingly, venue is proper in the Marshall Division of the United States District Court for the Eastern District of Texas.

## **FACTUAL BASIS FOR COMPLAINT**

### **VI.**

On November 30, 2017, Plaintiff, Clay Davis, was riding on a motorcycle and proceeding west on FM 3129 in Cass County, Texas. Defendant Sprayberry was driving a logging truck which was proceeding east on FM 3129. Without warning, Defendant Sprayberry turned left into the path of the oncoming motorcycle ridden by Plaintiff Davis. Defendant Sprayberry was delivering logs to a plant operated by Defendant, International Paper. Plaintiff Davis collided with the right rear portion of the trailer being pulled by the truck driven by Defendant Sprayberry.

### **VII.**

The hereinabove described motor vehicle collision was proximately caused by the negligence of Defendant Sprayberry including, but not limited to, failing to yield right-of-way, failing to keep a proper lookout, failing to make timely application of his brakes and making a lane change when it was clearly unsafe to do so.

### **VIII.**

At all times material hereto, Defendant Sprayberry was a statutory employee of Defendant, International Paper, pursuant to the Federal Motor Carrier Safety Regulations, including, but not limited to, 49 CFR §390.5.

### **IX.**

At all times material hereto, Defendant Sprayberry was driving the logging truck while on a mission for the benefit of Defendant, International Paper, and subject to the control of Defendant, International Paper, as to the details of such mission.

X.

Accordingly, International Paper is liable for the negligent acts and/or omissions of Defendant Sprayberry.

XI.

As a result of the hereinabove described motor vehicle collision, Plaintiff, Clay Davis, sustained severe, permanent injuries and damages, not only in the past but in reasonable probability in the future which include, but are not limited to, physical pain, mental anguish, physical impairment, physical disfigurement, loss of earning capacity and reasonable and necessary health care expenses. The actual damages sustained by Plaintiff Davis were proximately caused by the negligence of Defendant Sprayberry and International Paper. The actual damages sustained by Plaintiff Davis far exceed the jurisdictional amount of \$75,000.00.

XII.

Plaintiff is further entitled to recover prejudgment interest for which he seeks recovery.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, Clay Davis, prays that Defendants, Mancel Sprayberry and International Paper Company, be cited to appear herein and upon final trial hereof that Plaintiff have judgment against Defendants, jointly and severally, for his actual damages, prejudgment interest, post-judgment interest, costs of Court and such other and further relief to which Plaintiff may show himself justly entitled.

Respectfully submitted,

BY: /s/ Roger W. Anderson

ROGER W. ANDERSON

Of Counsel

State Bar No. 01213500

FREEMAN MILLS PC

12222 Merit Drive, Suite 1400

Dallas, Texas 75251

(214) 800-5191

(214) 800-5190 (fax)

[randerson@freemanmillspc.com](mailto:randerson@freemanmillspc.com)

ATTORNEY-IN-CHARGE FOR PLAINTIFF